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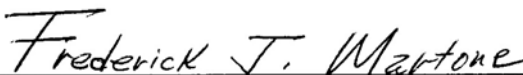
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5 **NOT FOR PUBLICATION**  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Miguel A. Soto, ) No. CV-09-0326-PHX-FJM  
10 Petitioner, ) **ORDER**  
11 vs. )  
12 )  
13 Charles L. Ryan; Terry Goddard, )  
14 Respondents. )  
15 \_\_\_\_\_ )

16 The court has before it petitioner's petition for writ of habeas corpus pursuant to 28  
17 U.S.C. § 2254 (doc. 1), respondents' answer (doc. 12), and the report and recommendation  
18 of the United States Magistrate Judge recommending that the petition be denied as untimely  
19 (doc. 13). Petitioner has not objected to the report and recommendation and the time for  
20 doing so has expired.

21 The court accepts the recommended decision of the United States Magistrate Judge  
22 pursuant to Rule 8(b), Rules Governing § 2254 Cases. Therefore, **IT IS ORDERED**  
23 **DENYING** the petition for writ of habeas corpus (doc. 1).

24 DATED this 24<sup>th</sup> day of November, 2009.

25  
26   
27 Frederick J. Martone  
28 United States District Judge